



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY OF PAPERS
ORIGINALLY FILED

Applicants: Wendi V. Rodriguez, Kevin Jon Williams, and Michael J. Hope

Serial No.: 09/924,222

Group Art Unit: 1615

Filed: August 7, 2001

Examiner: Not yet assigned

For: LIPOSOMAL COMPOSITIONS, AND METHODS OF USING LIPOSOMAL
COMPOSITIONS TO TREAT DISLIPIDEMIAS

BOX MISSING PARTS

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION AND
PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136(a)

Sir:

Responsive to the Notice to File Missing Parts of Nonprovisional Application, mailed
September 17, 2001, applicants enclose the following for filing in the above-identified
application:

1. Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for four months with
Certificate of Mailing Under 37 C.F.R. § 1.8(a) (in duplicate);
2. Abstract of the Disclosure pursuant to 37 C.F.R. § 1.72(b);
3. Declaration for Patent Application executed by Wendi V. Rodriguez and Michael J.
Hope.
4. Petition for Application on Behalf of a Non-signing Inventor under 37 C.F.R. 1.47(a);

5. Power of Attorney or Authorization of Agent executed by The University of British Columbia;

6. Statement Under 37 C.F.R. § 3.73(b) executed by The University of British Columbia, with attached copy of the executed Assignment from Wendi V. Rodriguez and Michael J. Hope to The University of British Columbia;

7. Power of Attorney or Authorization of Agent executed by Esperion LUV Development, Inc.;

8. Statement Under 37 C.F.R. § 3.73(b) executed by Esperion LUV Development, Inc., with attached copy of the executed Assignment from Kevin Jon Williams to Esperion LUV Development, Inc.;

9. Fee Transmittal (in duplicate); and

10. Check in the amount of \$785.00 for the (a) \$65.00 small entity surcharge for late filing the Declaration for Patent Application, and (b) 720.00 small entity fee for a four-month extension of time.

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Applicants also enclose a copy of the Notice to File Missing Parts of Nonprovisional Application, mailed September 17, 2001.

U.S.S.N: 09/924,222
Filed: August 7, 2001
Response to Notice to File Missing Parts of
Nonprovisional Application and Petition for
Extension of Time Under 37 C.F.R. § 1.136(a)

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The Commissioner is hereby authorized to charge any additional fees that may be due,
or credit any overpayment in connection with this matter, to Deposit Account No. 50-1868.

A duplicate of this transmittal is enclosed to facilitate this process.

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: March 18, 2002

HOLLAND & KNIGHT LLP
Suite 2000, One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, Georgia 30309-3400
(404) 817-8473 (Telephone)
(404) 817-8588 (Fax)

U.S.S.N: 09/924,222
Filed: August 7, 2001
Response to Notice to File Missing Parts of
Nonprovisional Application and Petition for
Extension of Time Under 37 C.F.R. § 1.136(a)



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ORIGINALLY FILED

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

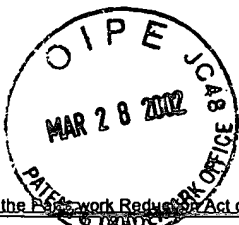
I hereby certify that this RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION AND PETITION FOR EXTENSION OF TIME UNDER
37 C.F.R. § 1.136(a), and any paper referred to as being attached or enclosed, are being
deposited with the United States Postal Service on the date shown below with sufficient postage
as first-class mail in an envelope addressed to BOX MISSING PARTS, Commissioner of Patents
and Trademarks, Washington, D.C. 20231.

Pam Turnbough

Date: March 18, 2002

ATL1 #514369 v1

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210/SB/17 (08-00)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Patent Work Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 785.00)

Compleat if Known

| | |
|----------------------|--------------------|
| Application Number | 09/924,222 |
| Filing Date | August 7, 2001 |
| First Named Inventor | Wendi V. Rodriguez |
| Examiner Name | |
| Group Art Unit | 1615 |
| Attorney Docket No. | ESPN 2004 |

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METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-1868
Deposit Account Name: Holland & Knight LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|--------------|--------------|---------------|---------------|------------------------|----------|
| | | 101 710 | 201 355 | Utility filing fee | |
| | | 106 320 | 206 160 | Design filing fee | |
| | | 107 490 | 207 245 | Plant filing fee | |
| | | 108 710 | 208 355 | Reissue filing fee | |
| | | 114 150 | 214 75 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| -20 | = | X | = |
| Independent Claims | -3 | = | X |
| Multiple Dependent | | = | |

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description |
|--------------|--------------|---------------|---------------|--|
| | | 103 18 | 203 9 | Claims in excess of 20 |
| | | 102 80 | 202 40 | Independent claims in excess of 3 |
| | | 104 270 | 204 135 | Multiple dependent claim, if not paid |
| | | 109 80 | 209 40 | ** Reissue independent claims over original patent |
| | | 110 18 | 210 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|--------------|--------------|---------------|---------------|--|-----------|
| | | 105 130 | 205 65 | Surcharge - late filing fee or oath | \$ 65.00 |
| | | 127 50 | 227 25 | Surcharge - late provisional filing fee or cover sheet | |
| | | 139 130 | 139 130 | Non-English specification | |
| | | 147 2,520 | 147 2,520 | For filing a request for ex parte reexamination | |
| | | 112 920* | 112 920* | Requesting publication of SIR prior to Examiner action | |
| | | 113 1,840* | 113 1,840* | Requesting publication of SIR after Examiner action | |
| | | 115 110 | 215 55 | Extension for reply within first month | |
| | | 116 390 | 216 195 | Extension for reply within second month | |
| | | 117 890 | 217 445 | Extension for reply within third month | |
| | | 118 1,390 | 218 695 | Extension for reply within fourth month | \$ 720.00 |
| | | 128 1,890 | 228 945 | Extension for reply within fifth month | |
| | | 119 310 | 219 155 | Notice of Appeal | |
| | | 120 310 | 220 155 | Filing a brief in support of an appeal | |
| | | 121 270 | 221 135 | Request for oral hearing | |
| | | 138 1,510 | 138 1,510 | Petition to institute a public use proceeding | |
| | | 140 110 | 240 55 | Petition to revive - unavoidable | |
| | | 141 1,240 | 241 620 | Petition to revive - unintentional | |
| | | 142 1,240 | 242 620 | Utility issue fee (or reissue) | |
| | | 143 440 | 243 220 | Design issue fee | |
| | | 144 600 | 244 300 | Plant issue fee | |
| | | 122 130 | 122 130 | Petitions to the Commissioner | |
| | | 123 50 | 123 50 | Petitions related to provisional applications | |
| | | 126 240 | 126 240 | Submission of Information Disclosure Stmt | |
| | | 581 40 | 581 40 | Recording each patent assignment per property (times number of properties) | |
| | | 146 710 | 246 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| | | 149 710 | 249 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| | | 179 | 279 355 | Request for Continued Examination (RCE) | |
| | | 169 900 | 169 900 | Request for expedited examination of a design application | |

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 785.00)

SUBMITTED BY

| | | | | | |
|-------------------|-----------------|-----------------------------------|-----------|-----------|--------------|
| Name (Print/Type) | Patrea L. Paost | Registration No. (Attorney/Agent) | 31,284 | Telephone | 404-817-8473 |
| Signature | | Date | 3/18/2002 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

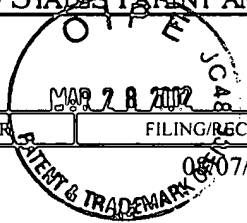
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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| | | | |
|--------------------|---------------------|-----------------------|------------------------|
| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
| 09/924,222 | 06/07/2001 | Wendi V. Rodriguez | ESPN |



CONFIRMATION NO. 3425

FORMALITIES LETTER



OC000000006561358

23579
PATREA L. PABST
HOLLAND & KNIGHT LLP
SUITE 2000, ONE ATLANTIC CENTER
1201 WEST PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3400

COPY OF PAPERS
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Date Mailed: 09/17/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

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MAY 14 2002
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An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The oath or declaration is unsigned.
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- o **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- o An Abstract not to exceed 150 words in length, commencing on a separate sheet (37 CFR 1.72(b)).

*A copy of this notice **MUST** be returned with the reply.*

G.A.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/29/2002 HHARZ11 00000038 09924222 65.00 OP
01 FC:205